IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4152 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHAVNAGAR DIST PANCHAYAT

Versus

SHAMJIBHAI NANOOBHAI

Appearance:

1. Special Civil Application No. 4152 of 1988

MR KH BAXI for Petitioners No. 1-2

UNSERVED-EXPIRED (N) for Respondent No. 1

MR TR MISHRA for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 29/11/2001

ORAL JUDGEMENT

In this petition under Article 227 of the Constitution, the Bhavnagar District Panchayat has challenged the judgment and award dated 12-4-1988 in

Reference (LCB) No.538 of 1987 by which the Labour Court directed the Additional District Health Officer, Bhavnagar District Panchayat to reinstate the respondent - Shamjibhai Nanoobhai to the original post of Driver with continuity of service and with full backwages.

2. While admitting the petition, this Court had directed the petitioner-Panchayat to make payment to the respondent as per section 17-B of the Industrial Disputes Act from the date of the award.

3. Mr TR Mishra learned counsel for the respondent states that after the award, the respondent was taken back in service but 3 to 4 months thereafter the respondent expired on 3-7-1993.

4. In view of the above, it is obvious that the petition has abated and, therefore, the challenge to the award passed by the Labour Court in the abovenumbered Reference does not survive. If any arrears of salary on the basis of the impugned award dated 12-4-1988 in Reference (LCB) No.538 of 1987 were payable to the respondent for the period prior to his death, the petitioner-Panchayat shall pay the same to the heirs of the deceased respondent within three months from today.

5. The petition is accordingly disposed of. Rule is discharged.

(M.S. Shah,J)

zgs/-